

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Eugene Westmoreland

Plaintiff,

v.

Case No.: 1:23-cv-01851

Honorable John J. Tharp Jr.

Thomas Dart, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, August 21, 2023:

MINUTE entry before the Honorable John J. Tharp, Jr.: Defendants' motion for a more definite statement [44] is denied. "Rule 12(e) motions are generally disfavored" and "will only be granted if the complaint is so unintelligible that the defendant cannot draft responsive pleading." *Thakkar v. Ocwen Loan Servicing, LLC*, No. 15-CV-10109, 2017 WL 3895596, at *7 (N.D. Ill. Sept. 6, 2017) (internal citations omitted). Defendants misconstrue the federal rules' pleading requirements; the federal rules do not "necessitate" that the plaintiff plead distinct, individual counts for each of his claims. In fact, the federal rules do not require that a plaintiff plead counts at all, see *Bartholet v. Reishauer A.G. (Zurich)*, 953 F.2d 1073, 1078 (7th Cir. 1992); pleading in counts is not required unless "doing so would promote clarity." Fed. R. Civ. P. 10(b). And a plaintiff may seek relief for multiple, separate claims (i.e., transactions or incidents) pursuant to one legal theory as long as defendants have notice of those claims. That defendants cogently summarize the claims made against them (plaintiff's difficulties navigating Residential Treatment Unit ramps and an injury suffered while being taken to vote) belies their assertion that they have no notice of the claims against them. See *Thomas by & through Phillips v. Illinois Dep't of Hum. Servs.*, No. 20-CV-03498, 2021 WL 4439417, at *3 (N.D. Ill. Sept. 28, 2021) (observing that there is no need to require plaintiff to replead claims in separate counts where defendants received fair notice of claims against them). The fact that the defendants already answered the complaint further renders their motion baseless. The defendants are free to raise concerns about relevance and proportionality during discovery, but their concerns about suffering prejudice due to the burden of discovery are of no import at this stage of proceedings. Mailed notice(air,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at ***www.ilnd.uscourts.gov***.